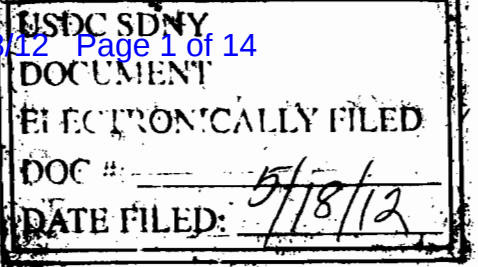


ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ESTÉE LAUDER COSMETICS LTD.;
MAKE-UP ART COSMETICS, INC.,

CIVIL ACTION NO. 12-CV-3046 (VM)

Plaintiffs,

v.

TINGTING CHEN D/B/A
THEMACCOSMETICS.COM; LIMEI WENG D/B/A
MAC2WHOLESALE.COM; ZHANG GUIHE D/B/A
MACCOSMETICWORLD.COM; JINZHU LEI D/B/A
MACIOFFER.COM; UPCHECKOUT@GMAIL.COM
D/B/A MACWHOLESALESHOP.COM; XUEFEISHAN
D/B/A COSMETICS-WHOLESALE.COM;
MAWCOSMETICS@HOTMAIL.COM D/B/A
MAWCOSMETICS.COM; CHENZHONG D/B/A
MACMAKEUP-SHOP.COM; ANDY LEO D/B/A
WHOLESALEMACMAKEUP.COM;
WHOLESALESMACMAKEUP.COM D/B/A
MYONEONLYOU@HOTMAIL.COM; WANG ZENG
D/B/A CHEAPMAKEUPPICK.COM; LUO HANMING
D/B/A WHOLESALEMACMAKEUPUK.COM;
KAIGOU HONG D/B/A
CHEAPMACCOSMETICS@HOTMAIL.COM; XIANG SHEN
D/B/A D/B/A WHOLESALEMAKEUPCHINA.COM;
WINNER D/B/A MACOEM.COM;
LIUSANXING168@163.COM D/B/A BRUSH111.COM;
DEMING SHEN D/B/A
MACCOSMETICSRETAIL.COM; FENG GUO D/B/A
MACMAKEUPWHOLESALESTORE.COM;
OUERSHIMIAN A/K/A WUZIQU A/K/A
BEYONDMEILI D/B/A
GUOGUOFENGFU999@YAHOO.COM.CN;
JIANZHUKANYU A/K/A LEIYUYE326 A/K/A
BESTSHOP20112011 D/B/A
WEISU79@YAHOO.COM.CN; COSMETIC1681 A/K/A
BENEFIT1682 D/B/A
CHINABEST2U@HOTMAIL.COM;
SHANGHAISHIQU A/K/A SHANGHAIQU D/B/A
SHIXIAOSHI201235@YAHOO.COM.CN; AIDRA0
D/B/A FENGGUANG89@YAHOO.COM.CN;
LIYA316601378 D/B/A
SHENJINGBING7799@163.COM; LOVEYING D/B/A

DDOU82@YAHOO.CN; OAKLEY D/B/A
 FACAIWEI@163.COM; QIKEDESHENG2011 D/B/A
 LUCKDAY0000@HOTMAIL.COM; BESTFACAI
 D/B/A NITIAN_LONG@YEAH.NET;
 CHENGJISIHAN2012 D/B/A
 WUZHANMING28@HOTMAIL.COM; DRAHAMS
 D/B/A YONGSONG55@YAHOO.COM; NULIXX2011
 D/B/A NIWEIYA209@HOTMAIL.COM;
 HAPPYMACSELLER168 D/B/A
 YANGGUANGLI168@HOTMAIL.COM; MUTUA1598
 D/B/A FENGJUN858@163.COM; YUCHAOZHANG
 D/B/A XIAOLIWANG2009@163.COM; MACSKY1683
 D/B/A BENEFIT333@HOTMAIL.COM;
 LLKKSTOREMAKEUP D/B/A
 WANGHU6688@YAHOO.COM.CN;
 HAOWAWATINGHUA D/B/A
 NNDDCC750@YAHOO.COM.CN;
 KANGYAYONG888 D/B/A
 HAI SUN1203@HOTMAIL.COM; CK31 D/B/A
 EBENCHENMO@126.COM; COOPFEM D/B/A
 ZLING12@YAHOO.COM.CN; MACLIFE123 D/B/A
 ALLJZBY@HOTMAIL.COM; KISSM D/B/A
 LIUSHAOWEN118@HOTMAIL.COM; HAPPY2020
 D/B/A FASHIONCHINA2012@HOTMAIL.COM;
 BPMO123 D/B/A HUIJIA01@HOTMAIL.COM; YIJIE
 D/B/A MS.ELSAWANG@YAHOO.COM; XYZ
 COMPANIES, AND JOHN AND JANE DOES,

Defendants.

PRELIMINARY INJUNCTION ORDER

Plaintiffs ESTÉE LAUDER COSMETICS LTD. and MAKE-UP ART COSMETICS, INC. (collectively, “Estée Lauder” or “Plaintiffs”) having moved *ex parte* against TINGTING CHEN D/B/A THEMACCOSMETICS.COM; LIMEI WENG D/B/A MAC2WHOLESALE.COM; ZHANG GUIHE D/B/A MACCOSMETICWORLD.COM; JINZHU LEI D/B/A MACIOFFER.COM; UPCHECKOUT@GMAIL.COM D/B/A MACWHOLESALESHOP.COM; XUEFEISHAN D/B/A COSMETICS-WHOLESALE.COM; MAWCOSMETICS@HOTMAIL.COM D/B/A MAWCOSMETICS.COM; CHENZHONG

D/B/A MACMAKEUP-SHOP.COM; ANDY LEO D/B/A
WHOLESALEMACMAKEUP.COM; WHOLESALERSMACMAKEUP.COM D/B/A
MYONEONLYYOU@HOTMAIL.COM; WANG ZENG D/B/A CHEAPMAKEUPPICK.COM;
LUO HANMING D/B/A WHOLESALEMACMAKEUPUK.COM; KAIGOU HONG D/B/A
CHEAPMACCOSMEETICSPRO.COM; XIANG SHEN D/B/A D/B/A
WHOLESALEMAKEUPCHINA.COM; WINNER D/B/A MACOEM.COM;
LIUSANXING168@163.COM D/B/A BRUSH111.COM; DEMING SHEN D/B/A
MACCOSMETICSRETAIL.COM; FENG GUO D/B/A
MACMAKEUPWHOLESALESTORE.COM; OUERSHIMIAN A/K/A WUZIQU A/K/A
BEYONDMEILI D/B/A GUOGUOFENGUFU999@YAHOO.COM.CN; JIANZHUKANYU
A/K/A LEIYUYE326 A/K/A BESTSHOP20112011 D/B/A WEISU79@YAHOO.COM.CN;
COSMETIC1681 A/K/A BENEFIT1682 D/B/A CHINABEST2U@HOTMAIL.COM;
SHANGHAISHIQU A/K/A SHANGHAIQU D/B/A
SHIXIAOSHI201235@YAHOO.COM.CN; AIDRA0 D/B/A
FENGGUANG89@YAHOO.COM.CN; LIYA316601378 D/B/A
SHENJINGBING7799@163.COM; LOVEYING D/B/A DDOU82@YAHOO.CN; OAKLEY
D/B/A FACAIWEI@163.COM; QIKEDESHENG2011 D/B/A
LUCKDAY0000@HOTMAIL.COM; BESTFACAI D/B/A NITIAN_LONG@YEAH.NET;
CHENGJISIHAN2012 D/B/A WUZHANMING28@HOTMAIL.COM; DRAHAMS D/B/A
YONGSONG55@YAHOO.COM; NULIXX2011 D/B/A NIWEIYA209@HOTMAIL.COM;
HAPPYMACSELLER168 D/B/A YANGGUANGLI168@HOTMAIL.COM; MUTUA1598
D/B/A FENGJUN858@163.COM; YUCHAOZHANG D/B/A
XIAOLIWANG2009@163.COM; MACSKY1683 D/B/A BENEFIT333@HOTMAIL.COM;
LLKKSTOREMAKEUP D/B/A WANGHU6688@YAHOO.COM.CN;

HAOWAWATINGHUA D/B/A NNDDCC750@YAHOO.COM.CN; KANGYAYONG888 D/B/A HAI SUN1203@HOTMAIL.COM; CK31 D/B/A EBENCHENMO@126.COM; COOPFEM D/B/A ZLING12@YAHOO.COM.CN; MACLIFE123 D/B/A ALLJZBY@HOTMAIL.COM; KISSSM D/B/A LIUSHAOWEN118@HOTMAIL.COM; HAPPY2020 D/B/A FASHIONCHINA2012@HOTMAIL.COM; BP MO123 D/B/A HUIJIA01@HOTMAIL.COM; YIJIE D/B/A MS.ELSAWANG@YAHOO.COM; XYZ COMPANIES, and JOHN and JANE DOES (collectively, "Defendants") for a Temporary Restraining Order, Order to Disable Certain Websites, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction (collectively, the "Order") pursuant to Federal Rule of Civil Procedure 65 and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anticybersquatting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the "Lanham Act"), for the reason that Defendants are distributing, offering for sale and/or selling, via the Internet, goods bearing counterfeit reproductions of Estée Lauder's federally registered M•A•C trademarks, as listed in Estée Lauder's Complaint and incorporated herein by reference, which trademarks (collectively, the "M•A•C Marks") are owned and controlled by Estée Lauder and used in connection with products listed in Estée Lauder's Complaint and incorporated herein by reference (collectively, the "M•A•C Products"), and the Court having reviewed the Complaint, Memorandum of Law in support of the Order, supporting Declarations and exhibits submitted therewith, issued such an Order on April 20, 2012, and having found, *inter alia*, the following:

1. Estée Lauder has demonstrated that it is entitled to injunctive relief by establishing that it is suffering irreparable harm and that it is likely to succeed on the merits of its claims;

2. With respect to irreparable harm, and taking into consideration the Second Circuit's recent adoption of a new standard for demonstrating irreparable harm in the context of copyright law (*Salinger v. Colting*, 607 F.3d 68, 77-78 (2d Cir. April 30, 2010) (following *eBay, Inc. v. MercExchange, L.L.C.* 547 U.S. 388, 390-1 (2006))), Estée Lauder has demonstrated that it is likely to succeed in showing (a) that it is suffering irreparable injury in the absence of an injunction based on Defendants' distribution, offering for sale and sale of counterfeits of the M•A•C Products, (b) that remedies at law, such as money damages, are inadequate to compensate for that injury, (c) that the balance of hardships tips in Estée Lauder's favor and (d) that the public would not be disserved by the issuance of injunctive relief;

3. With respect to likelihood of success on the merits, Estée Lauder has demonstrated that it is likely to succeed in showing that its M•A•C Marks are valid, protectable and entitled to protection;

4. Further with respect to likelihood of success on the merits, Estée Lauder has demonstrated that it is likely to succeed in showing that Defendants are manufacturing, distributing, offering for sale and/or selling counterfeit products -- including, *inter alia*, cosmetics and related beauty products-- bearing counterfeits of the M•A•C Marks ("Counterfeit Products") to buyers in the United States, including in this Judicial District;

5. Further with respect to likelihood of success on the merits, Estée Lauder has demonstrated that it is likely to succeed in showing that Defendants are selling Counterfeit Products by operating a network of websites ("Defendants' Infringing Websites"), resolving at various domain names, including, without limitation, domain names containing the M•A•C Marks (collectively, the "Infringing Domain Names");

6. Estée Lauder has demonstrated that it is likely to succeed in showing that Defendants are also selling Counterfeit Products via selling pages they have established on online marketplaces, such as iOffer.com;

7. The distribution, offering for sale and sale of Counterfeit Products will result in immediate and irreparable injury to Estée Lauder if injunctive relief is not granted;

8. Defendants have gone to great lengths to conceal themselves and their ill-gotten proceeds from Estée Lauder's and this Court's detection including by using multiple false identities and addresses associated with their operations and purposely-deceptive contact information;

9. Defendants would likely destroy, move, hide or otherwise make the Counterfeit Products, Defendants' means of selling and distributing Counterfeit Products, financial accounts used in connection with the sale of Counterfeit Products, and business records relating thereto inaccessible to the Court if Estée Lauder were to proceed on notice to Defendants, thus frustrating the ultimate relief Estée Lauder seeks in this action;

10. Estée Lauder's harm from denial of the requested *ex parte* Order would outweigh any harm to Defendants' legitimate interests from granting such an Order; and

Defendants having each been served as of April 24, 2012 with the Order, Complaint, Summons and supporting papers, including notice of the show cause hearing to be held on May 18, 2012 at 10:00 a.m. in Courtroom 20B in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007; and

None of the Defendants having filed a response to Estée Lauder's moving papers or otherwise appeared in this action;

THEREFORE, IT IS HEREBY ORDERED that Defendants, their officers, agents servants and employees and any persons in active concert or participation with them are preliminarily enjoined and restrained from:

- (i) using the M•A•C Marks or any reproduction, counterfeit, copy or colorable imitation of the M•A•C Marks in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Estée Lauder; and
- (ii) passing off, inducing or enabling others to sell or pass off any Counterfeit Products as and for M•A•C Products; and
- (iii) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner cosmetics, related beauty products or other items falsely bearing the M•A•C Marks, or any reproduction, counterfeit, copy or colorable imitation of same; and
- (iv) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of the M•A•C Marks; and
- (v) operating and/or hosting Defendants' Infringing Websites; and it is further

ORDERED, that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, that the asset restraint provisions contained in the Order shall remain in place until the disposition of this action as to Defendants and their officers, servants, employees and agents and any persons in active concert or participation with them, and any banks, savings and loan associations, payment processors or other financial institutions, including without limitation PayPal, Inc., or other merchant account providers, payment providers, or third party processors for any Defendant, any of Defendants' operations, Defendants' Infringing Websites or for any other website owned or controlled by Defendants, who receive actual notice of this Preliminary Injunction Order, shall immediately locate all accounts connected to Defendants or Defendants' Infringing Websites and that such accounts be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets, not allowing such funds to be transferred or withdrawn, and not allowing any refunds, charge-backs, or other diminutions to be made by Defendants from such accounts pending further order from this Court; and it is further

ORDERED, that upon two (2) business day's written notice to the Court and Estée Lauder's counsel, any Defendant may, upon proper showing, appear and move for the dissolution or modification of the provisions of this Preliminary Injunction Order concerning the restriction upon transfer of such Defendants' assets; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, the domain name registries, including but not limited to VeriSign, Inc., Neustar, Inc., and Public Interest Registry, and/or the individual registrars holding or listing one or more of the domain names used in conjunction with Defendants' Infringing Websites, including those set forth in Exhibit 1 attached hereto, shall, within three (3) days of receipt of this Order, disable and/or continue to disable these domain names, through a registry hold or otherwise, and make them inactive and untransferable pending further order from this Court, unless Estée Lauder requests that a certain domain name be released; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, any third party providing services in connection with any Defendant and/or Defendants' websites, including without limitation ISPs, back-end service providers, affiliate program providers, web designers, and sponsored search engine or ad-word providers, shall immediately temporarily disable service to any Defendant and Defendants' Infringing Websites; and it is further

ORDERED, that Estée Lauder may continue to obtain expedited discovery by providing actual notice, pursuant to subpoena or otherwise, of this Preliminary Injunction Order to any of the following: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any banks, savings and loan

associations, payment processors or other financial institutions, including without limitation, PayPal, Inc., or other merchant account providers, payment providers, third-party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; and (3) any third party service providers, including without limitation, online marketplaces such as iOffer.com, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars, or domain name registries who have provided services for Defendants (collectively, "Third Party Providers"); and it is further

ORDERED, that any such Third Party Providers shall within five (5) days after receipt of such notice, provide copies of all documents and records in such person or entity's possession or control relating to:

- (a) The identities and addresses of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' Infringing Websites, Infringing Domain Names and financial accounts;
- (b) Defendants' Infringing Websites;
- (c) The Infringing Domain Names or any domain name registered by Defendants; and
- (d) Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, Inc., Western Union, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA); and it is further

ORDERED, that Estée Lauder may continue to serve process on Defendants by registered electronic mail at Defendants' email addresses, as set forth in the Order, which Estée

Lauder has demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ. P. 4; and it is further

ORDERED that the seal on this action is hereby removed; and it is finally

ORDERED that this Preliminary Injunction Order shall remain in effect until disposition of this action.

SIGNED this 18th day of May 2012.



THE HONORABLE VICTOR MARRERO

EXHIBIT 1

brush111.com
cheapmaccosmeticspro.com
cheapmacmakeup.biz
cheapmacmakeup.us
cheapmacmakeup4u.com
cheapmakeuppick.com
cosmeticsmacwholesales.com
cosmetics-wholesaler.com
cosmetic-wholesale.net
discountcosmetics4u.co.uk
discountmaccosmeticswholesale.com
discount-mac-makeup.com
discountsopinailpolish.com
fairfro.com
googlemaccosmetics.com
hotcosmetic.com
hotmakeups.com
mac2outlet.com
mac2wholesale.com
mac-benefit-shop.net
maccosmetics4u.com
maccosmeticsaustralia.net
maccosmeticsg.com
maccosmeticsshop.us
maccosmeticsmix.com
maccosmeticsok.com
maccosmetics-online.net
mac-cosmetics-outlet.com
maccosmeticsoutleta.com
maccosmeticsretail.com
maccosmeticsrose.com
maccosmeticssell.com
maccosmeticsstock.com
maccosmeticsupplier.com
mac-cosmeticswholesale.com
maccosmeticswholesalechina.com
maccosmeticswholesalehome.com
maccosmeticswholesaleonline.com
maccosmeticsx.com

maccosmeticwholesaler.com
maccosmeticworld.com
mac-eyeshadow.com
macioffer.com
macmacmakeup.com
mac-makeup-cheap.com
mac-makeup-discount.com
macmakeupo.com
macmakeuporder.com
macmakeupsupplier.com
macmakeup-shop.com
macmakeupsproducts.com
macmakeupsproducts.net
macmakeupssuppliers.com
macmakeupstock.com
macmakeupstores.com
macmakeupstores.net
macmakeupsupplierss.com
macmakeupswholesaler.com
macmakeuptop.com
macmakeupu.com
macmakeupwholesale.net
macmakeupwholesalehome.com
macmakeupwholesaleoutlet.com
macmakeupwholesaler.com
macmakeupwholesalestore.com
macmakeupwholesalexo.com
macmakeupx.com
macmakeupxo.com
macmmakeupsupplier.com
macmmakupsupplier.com
macoem.com
macscosmetics.us
macwholesalecosmetics.net
macwholesalecosmetics.org
macwholesalers.org
macwholesaleshop.com
makeupbulk.com
makeupmacwholesale.com
make-up-wholesale.com

makeupwholesalemac.com
mawcosmetics.com
minimakeups.com
mmwcosmetics.com
mu2.org
myoneonlyyou@hotmail.com
newmacmakeupwholesale.com
nikeshu.com
salemacmakeup.com
sellmaccosmetics.com
sellmacmakeup.com
themaccosmetics.com
theukmac.com
usamaccosmetics.com
vougg.com
wholesalecosmeticsstores.com
wholesalemaccosmetics.biz
wholesalemaccosmeticshome.com
wholesalemaccosmeticsoutlet.com
wholesalemaccosmeticsstore.com
wholesalemaccosmeticsuk.com
wholesalemaccosmeticuk.com
wholesalemacmakeup.com
wholesalemacmakeupshop.com
wholesalemacmakeupuk.com
wholesalemakeupchina.com
wholesalersmaccosmetics.com